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18 Attorneys for Defendants New York Life Insurance
19 Company and New York Life Insurance and
20 Annuity Corporation

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 OLGA ORTMANN, as an individual
24 and on behalf of all others similarly
25 situated,

26 Plaintiff,

27 v.

28 NEW YORK LIFE INSURANCE
COMPANY, a corporation; NEW
YORK LIFE INSURANCE AND
ANNUITY CORPORATION, a
corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No. 3:07-CV-02506-WHA

PROOF OF SERVICE

Judge: Hon. William Alsup
Date: July 5, 2007
Time: 8:00 a.m.
Courtroom: 9, 19th Floor

1 I, Karen D. Thompson, certify and declare as follows:

2 I am over the age of 18 years and not a party to this action. My business
3 address is Morgan, Lewis & Bockius LLP, 300 South Grand Avenue, Twenty-
4 Second Floor, Los Angeles, California 90071-3132

5 On **May 24, 2007**, I served the within documents listed in Attachment A by
6 placing the documents in a sealed envelope with postage thereon fully prepaid, in
7 the United States mail at Los Angeles, California addressed as set forth below.

8 Service List

9 MARLIN & SALTZMAN
10 Stanely D. Saltzman, Esq.
11 Louis M. Marlin, Esq.
12 Christina A. Humphrey, Esq.
29229 Canwood Street, Suite 208
Agoura Hills, California 91301
818.991.8080 Fax: 818.991.8081

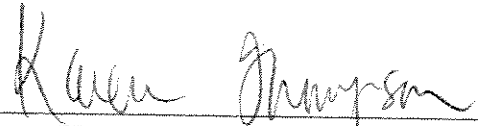
13 SCHWARTZ, DANIELS & BRADLEY
14 Marcus Bradley, Esq.
29229 Canwood Street, Suite 208
15 Agoura Hills, California 91301
310.478.5838 Fax: 310.478.1232

16 LAW OFFICES OF PETER M. HART
17 Peter M. Hart, Esq.
13952 Bora Bora Way, F-320
18 Marina Del Rey, California 90292
310.478.5789 Fax: 509.561.6441

19 I am readily familiar with the firm's practice of collection and processing
20 correspondence for mailing. Under that practice it would be deposited with the
21 U.S. Postal Service on that same day with postage thereon fully prepaid in the
22 ordinary course of business. I am aware that on motion of the party served, service
23 is presumed invalid if postal cancellation date or postage meter date is more than
24 one day after date of deposit for mailing in affidavit.
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1 Executed on **May 24, 2007**, at Los Angeles, California.

2 I declare under penalty of perjury, under the laws of the State of California, that the
3 foregoing is true and correct.

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5 Karen D. Thompson
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ATTACHMENT A

1. DEFENDANTS NEW YORK LIFE INSURANCE COMPANY AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S NOTICE OF MOTION AND MOTION TO DISMISS THE EIGHTH, NINTH, TENTH AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE EIGHTH, NINTH, TENTH, AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
3. [PROPOSED] ORDER GRANTING DEFENDANTS NEW YORK LIFE INSURANCE COMPANY AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S MOTION FOR TO DISMISS THE EIGHTH, NINTH, TENTH, AND ELEVENTH CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT
4. DEFENDANTS' NOTICE OF MOTION TO STAY OR TRANSFER THIS ACTION OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO "THE FIRST-TO-FILE" RULE
5. DECLARATION OF JILL A. PORCARO IN SUPPORT OF DEFENDANTS' MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S SECOND, FOURTH, AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO THE "FIRST-TO-FILE" RULE
6. DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THEIR MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO "THE FIRST-TO-FILE" RULE
7. [PROPOSED] ORDER REGARDING DEFENDANTS' MOTION TO STAY OR TRANSFER THIS ACTION, OR, IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S FIRST, SECOND, FOURTH, AND SIXTH THROUGH TWELFTH CAUSES OF ACTION PURSUANT TO THE "FIRST-TO-FILE" RULE
8. DEFENDANTS NEW YORK LIFE INSURANCE AND NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION'S NOTICE OF MOTION AND MOTION TO STRIKE

1 9. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
2 DEFENDANTS' MOTION TO STRIKE

3 10.[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO
4 STRIKE
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